



# Department of Justice

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## Legal Aid Helps Successful Reentry

Civil legal assistance can play a critical role for people leaving jail and returning to society, translating into reduced recidivism and increased chances for reintegration into the community. Securing an occupational license or an expungement for an eligible ex-offender may make the difference in that individual's ability to get a job. Preventing an illegal eviction may prevent homelessness and keep a family together. Legal aid and pro bono organizations can help address these and other barriers that keep people with criminal records from successful long-term reintegration.

Legal assistance can help in a number of ways:

- **Expunge or Correct Inaccurate Criminal Records:** Sometimes employers, agencies, landlords and academic institutions do not consider people with criminal records, even where laws prevent blanket exclusions based on criminal records and where there is little or no connection between the conviction and the person's ability to perform the job. Similar barriers occur in other areas that directly impact the ability to reenter the community and stay crime-free. Legal aid organizations can help expunge or seal criminal records so that individuals have an easier time finding work, getting housing and obtaining an education. When expungement is not available, newly released individuals may need legal assistance correcting inaccurate criminal records, such as a failure of the record to reflect that an arrest that did not lead to conviction, or that a felony was reduced to a misdemeanor.
- **Secure Driver's Licenses:** Incarcerated individuals frequently have their driver's licenses revoked or suspended, even if the conviction was not for a driving-related offense. Lack of a license can signal unreliability and un-employability, and may prevent access to a variety of benefits and services. Legal aid organizations can help navigate a relicensing hearing, making it easier for formerly incarcerated individuals to secure and maintain jobs.
- **Obtain Certificates of Rehabilitation:** Certificates of Rehabilitation can demonstrate to potential employers, landlords, and licensing boards that an individual with a criminal record is committed to rehabilitation. But individuals and non-legal advocates often are unaware of the existence of such certificates. Even if they are aware, the process may seem overwhelming and complex. Legal aid organizations can help people with criminal records through the requisite proceedings and place them on a sustainable, productive path toward reintegration.

- **Modify Child Support Orders:** Child support arrears for noncustodial parents often accumulate during incarceration, leaving newly released individuals with unrealistic payment obligations. Past due arrears can result in legal liabilities such as tax intercept, child support liens, and license suspensions. Legal aid organizations can work with judges to modify child support orders to help parents provide for their families and facilitate successful reentry.
- **Help in Eviction Proceedings:** Stable housing with appropriate supportive services is a key factor in preventing or ending homelessness and reducing recidivism. Although people with criminal records are not uniformly banned from Public Housing Authorities (PHAs), they are sometimes improperly evicted. HUD policy requires PHAs to allow for eviction decision appeals, but individuals often need help with the appeals process. Legal aid organizations can assist with improper evictions, and help some reentering people gain access to housing.
- **Modify Fees and Fines:** Many states and localities impose fines at sentencing and fees for court costs, as well as subsequent penalties for failure to pay those fines and fees. Many people released from prisons or jails also have substantial child support and victim restitution payments and civil fines unrelated to the criminal charges, all of which may have multiplied during the person’s incarceration. Legal aid organizations can assist individuals navigating conflicting civil and criminal obligations, improving manageability and efficiency of collections, and, where possible, prioritizing child support and restitution.
- **Successful Youth Reentry:** Youths face school enrollment problems and difficulty obtaining medical and mental health services following juvenile incarceration. Schools often fail to credit the schoolwork completed by students during their incarceration and they also place obstacles on re-enrollment by labeling these youths as “problem” or “difficult to manage.” Additionally, youths lose their Medicare enrollment while incarcerated and must re-apply for benefits upon their release. Legal Aid organizations can help youths and their families navigate these complex processes and ensure that youth reentering society obtain access to educational placements and medical services that can make the critical difference between rehabilitation and re-incarceration.

## Accomplishments to Date

- Through a number of its bureaus, the Department of Justice’s (DOJ) Office of Justice Programs (OJP) administers Second Chance Act (SCA) grant programs designed to help communities develop and implement comprehensive and collaborative strategies that address offender reentry and recidivism reduction. OJP now includes language in SCA grant solicitations informing potential grantees that “[a]n allowable use of Second Chance Act funds for reentry services includes referral to and payment of legal services related to the purpose of the grant such as: 1) securing a driver’s license; 2) expunging criminal records; 3) litigating inappropriate denials of housing or employment and violations of the FAIR Credit Reporting Act; 4) creating and/or modifying child support

orders and other family law services that help stabilize individuals and families.” Such services will help accomplish the program’s goal to “break the cycle of criminal recidivism, increase public safety, and help states, local government, and Indian tribes better address the growing population of criminal offenders who return to their communities and commit new crimes.” DOJ’s Second Chance Act grant programs devoted to juvenile reentry -- the “Second Chance Act Juvenile Reentry Program” and the “Second Chance Act Reentry Program for Juveniles with Co-Occurring Substance Abuse and Mental Health Disorders” – also explicitly mention that legal services are an allowable use of grant funds.

- The Department of Labor’s (DOL) Employment and Training Administration administers more than \$80 million in grants for job-training programs that help people with criminal records or other hard-to-employ youth and adults secure employment. Beginning in 2012, grant solicitations for the [Reintegration of Ex- Offenders \(RExO\) Adult Generation 5](#), [Serving Young Adult Ex-Offenders through Training and Service-Learning](#), [Serving Adult and Youth Ex-Offenders through Strategies Targeted to Characteristics Common to Female Ex-Offenders](#), and [Serving Juvenile Offenders in High-Poverty, High-Crime Communities](#) include explicit language that explains how grantees can utilize DOL grant funds for payment of legal services related to the purpose of the grant, such as securing a driver’s license, expunging criminal records, and creating and/or modifying child support orders. DOL’s new 2013 [Face Forward Serving Juvenile Offenders Grants](#) program requires collaborations with non-profit legal services providers that further its purpose to improve the long-term labor market prospects of both court involved youth prior to adjudication and juvenile offenders. Legal assistance related to grant goals includes “expunging juvenile records, securing a driver’s license, creating and/or modifying child support orders and helping victims of domestic violence by obtaining protective and restraining orders.”
- Veterans are not overrepresented in the criminal justice system, but their numbers are significant. An estimated one of every ten criminal defendants and inmates has served in the U.S. military. When veterans with criminal records reenter society, some of them become homeless. The Department of Veteran Affairs (VA) administers the [Supportive Services for Veteran Families](#) (SSVF) program that aims to improve housing stability for very low-income veteran families. SSVF grantees provide eligible veteran families with outreach, case management, and assistance in obtaining VA and other benefits. Studies by the VA confirm the need for legal services for Veteran families. The VA’s 2011 [CHALENG Report](#) concluded that three of the top ten unmet needs of homeless veterans are legal and include legal assistance for child support issues, outstanding warrants/fines, and to help prevention of eviction/foreclosure.